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fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk of Court.
28 U.S.C. § 1915(b)(2).


Plaintiff asserts claims arising out of his alleged denial of sentence credits during his incarceration at the Lawrence County jail. (Docket Entry No. 1, Complaint). Section 1983 claims for deprivation of sentence credits first require exhaustion of remedies under 28 U.S.C. § 2254 because such claims affect the “duration of [Plaintiff’s] physical imprisonment” and a judicial determination Plaintiff could be “entitled to immediate or speedier release.” Preiser v. Rodriguez, 411 U.S. 475, 500 (1973). Plaintiff’s claims impact the duration of his “physical imprisonment.” Id.. Thus, Preiser controls and Plaintiff’s restoration claim fails to state a claim under Section 1983.

Accordingly, this action is **DISMISSED without prejudice** for Plaintiff to exhaust his state remedies under 28 U.S.C. §2254.

It is so **ORDERED**.

This is the Final Order in this action.

ENTERED this the 3rd day of March, 2014.


WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court